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C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 002563

SIPDIS

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CA/OCS/CI (REGAN, MIKE)
EAP/J (CAMPBELL, TODD)

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TAGS: CASC PREL KOCI KITA JA

SUBJECT: URGING JAPAN TO ACCEDE TO MAKE PROGRESS ON
INTERNATIONAL CHILD ABDUCTION ISSUES DURING PRESIDENT
OBAMA,S VISIT

REF: SEOUL 001750

Classified By: Ambassador John Roos. Reasons 1.4 (b), (d).

¶1. (C) SUMMARY: We believe the President,s visit offers an opportunity for progress on International Child Abduction issues. Within the last year, US officials including Secretary Clinton have raised this issue with GOJ counterparts. The new Hatoyama government seems more sympathetic to working toward accession to the Hague Convention on the Civil Aspects of International Child Abduction and taking other steps to resolve current abduction cases involving over 100 American children. By raising this issue with Hatoyama the President could spur the GOJ to more rapid actions. END SUMMARY.

¶2. (SBU) Japan is the only G-7 country that is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Japan is one of the top three destination countries for parental child abduction cases. The Department is currently tracking 79 cases which involve over 100 American children, numbers which continue to grow significantly from year to year. As recently as 2005, the Department was aware of only 11 cases. The Department is aware of no case where an American child has ever been returned from Japan to the United States as a result of actions by the Japanese government or Japanese courts to enforce U.S. court orders, arrest warrants of parental child kidnappers, or shared custody or visitation arrangements.

¶3. (SBU) Both post and Washington are engaged in vigorous bilateral and multilateral diplomatic efforts to convince the Government of Japan to address parental abduction issues. Since the Hague Convention would not retroactively address current cases, Japan is also being urged to develop mechanisms to resolve cases of parents whose children have been abducted to Japan, or who have no visitation access to children who are located in Japan. In April 2009, Secretary Clinton addressed the issue of Hague Convention accession with former Foreign Minister Nakasone while attending a conference at The Hague. Assistant Secretary Campbell and Ambassador Roos have frequently raised Hague accession with senior Japanese officials. Multilateral diplomatic efforts have been particularly successful in raising the visibility of this issue among the Japanese public. In October 2009, Ambassador Roos joined diplomatic representatives from seven other nations in presenting a joint demarche on Minister of Justice Chiba which has also helped fuel a public debate on reform of family law in Japan.

¶4. (SBU) Japan's accession to the Hague Convention would also potentially advantage American left behind parents in Japan (non-Hague cases), many of whom have been cut off from access to their children due to antiquated divorce laws and customs which typically grant one parent, usually the mother, sole custody. Traditionally, the non-custodial parent in Japan is forced to relinquish all contact with children, forcing many children to grow up fatherless and cut off from half of their cultural heritage. Even if American parents prevail in Japanese courts or obtain joint custody agreements, court orders and decisions in family matters here are not enforceable by courts or police. Accession to the Hague Convention is but a first step in a long road which Japan must take in order to resolve the many challenges that American parents face when dealing with issues of international parental child abduction, divorce, and joint custody and visitation of children in Japan.

¶5. (C) In response to past diplomatic efforts on Hague accession and the growing problem of child abductions, a succession of LDP-led governments have only promised to "study the issue." The new government headed by Prime Minister Hatoyama seems more receptive to Hague accession and to taking practical steps to resolve problems of international child abduction. The President's visit provides a unique opportunity to move Japan more closely toward Hague accession and family law reform by raising this issue during the meeting between the two heads of state.

¶6. (SBU) The U.S. Congress is increasingly involved in efforts to promote Japan's accession to the Hague Convention.

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Speaker of the House Pelosi has addressed her concerns over Japan's position directly with Japanese officials. Japan has been unfavorably cited in legislation promoting resolution of child abduction cases. Post has also received confirmation from Senate staffers that a letter is currently being circulated for signature among U.S. Senators urging President Obama to raise the issue of International Parental Child Abduction with Prime Minister Hatoyama.

¶7. (C) Post agrees with our colleagues in Seoul that this issue deserves the President's personal support during discussions with leaders in Asia, and that Presidential attention will greatly assist in the effort to bring Japan in line with the other G-7 countries on this important issue.

¶8. (C) Suggested talking point: I urge you to consider ways to address international child abduction issues.

ROOS